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6 Attorney for: CHERYL LYNN MATHISON

7
8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

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11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 vs.
14 CHERYL LYNN MATHISON,
15 Defendant.

Case No.: Case No.: 2:14-mj-768-VCF
STIPULATION TO CONTINUE
BENCH TRIAL
(Third Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United
17 States Attorney, and Nadia Janjua Ahmed, Assistant United States Attorney, counsel for the United
18 States of America, and Rene L. Valladares, Federal Public Defender, and Monique Kirtley, Assistant
19 Federal Public Defender, counsel for CHERYL LYNN MATHISON, that the BENCH TRIAL
20 currently scheduled on Wednesday, July 22, 2015 at 9:00 a.m. , be vacated and be continued to a
21 date and time convenient to the Court, but no earlier than ninety (90) days.

22 This Stipulation is entered into for the following reasons:

- 23 1. The defendant is not in custody and agrees with the need for the continuance.
24 2. Since the filing of the previous stipulation, defense counsel has been informed and
25 verified with hospital staff, that the defendant remains hospitalized and is undergoing additional
26 medical procedures to address her health issues and that the probability of extended rehabilitative
27 services will still be required following her release.
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1 3. Additionally, denial of this request for continuance could result in a miscarriage of
2 justice. The additional time requested by this Stipulation is excludable in computing the time within
3 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States
4 Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§
5 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

6 This is the third request for a continuance of the Bench Trial.

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8 DATED: July 16, 2015

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10 RENE L. VALLADARES
Federal Public Defender

DANIEL G. BOGDEN,
United States of Attorney

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12 By: /s/ Monique Kirtley
MONIQUE KIRTLEY
13 Assistant Federal Public Defender

By: /s/ Nadia Janjua Ahmed
NADIA JANJUA AHMED
14 Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHERYL LYNN MATHISON,

Defendant.

Case No.: 2:14-mj-768-VCF

FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The defendant is not in custody and agrees with the need for the continuance.
2. Since the filing of the previous stipulation, defense counsel has been informed and verified with hospital staff, that the defendant remains hospitalized and is undergoing additional medical procedures to address her health issues and that the probability of extended rehabilitative services will still be required following her release.
3. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

This is the third request for a continuance of the Bench Trial.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

1 The continuance sought herein is excludable under the Speedy Trial Act, title 18, United
2 States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States
3 Code, §§ 316(h)(7)(B) and 3161(h)(7)(B)(iv).

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5 **ORDER**

6 IT IS THEREFORE ORDERED that the Bench Trial currently scheduled on
7 Wednesday, July 22, 2015 at 9:00 a.m., be vacated and continued to
8 November 4, 2015 at the hour of 9:00 a.m.

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10 DATED this 20th day of July 2015

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13 UNITED STATES MAGISTRATE JUDGE